TRB Reviews Washington's Best Show

THE NEW REPUBLIC

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MAY

Hemingway in Paris

Stanley Kauffmann

After a Civil Rights Act

Alexander M. Bickel

The Bounty of Texas

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Hospitals as Prisons

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T.R.B. *from Washington*

The LBJ Show

★ This is the springtime, hey nonny, nonny, and pigeons are laying their eggs on the shoulders of General Lafayette in Lafayette Park, and across the way in the White House Mr. Johnson is putting on the best show in Washington. Whether LBJ is a 100-proof liberal we rather doubt, and we shan't know, probably, till we read his State of the Union message next year. But for the time being birds sing and flowers bloom, and LBJ settles a rail strike one day, tweaks puppy-dogs' ears the next, and has the best time on the job since TR.

Talk continues about LBJ's running-mate. Generally a Vice President is picked to strengthen the ticket, as LBJ was picked to aid Kennedy. After listening to Mr. Johnson wow the US Chamber of Commerce convention last week, however, we came away with a dazed feeling that he doesn't need any support; he is free to pick the man best for the country.

When Mr. Johnson woos businessmen as "feller Amuricans," refers folksily to "widder women," and modestly describes himself as an "independent, taxpaying, light-bill-saving President," one may have twinges over style, but in the midst of such doubts he makes a really eloquent and quite moving appeal for the poor and oppressed and one feels it comes from the heart.

TRB has never liked to see the White House palling up with the Business Establishment, and feels that when it happens it is generally a good time to find the cyclone cellar. We prefer that these two giants should watch each other, warily and suspiciously. Still, if business likes LBJ that's not necessarily his fault and shouldn't be held too much against him.

One proposal is that Mr. Johnson should consolidate business support by picking Robert McNamara, ex-president of Ford Motor Company, as running-mate. We applaud the way McNamara is keeping the Pentagon brass under control, and we consider him the best Defense Secretary since the job began. But President? – that's another matter.

Being President is an art. It is a political art. It is not the same thing as being a top-flight business executive at all. Abe Lincoln was no business type; poor old Herbert Hoover was. Running a nation and running a factory are as different as painting a picture and painting a house. Scoff at politics if you like; it teaches a man a lot and winnows out a lot of people, too. A President has to know how to cajole, bully and lead Congress, and how to persuade, inspire and lead the country. Bare-knuckle McNamara looks to us like a top-drawer business executive; but as President we think he would be a flop.

One feature of the Democratic convention at Atlantic City will be a moving tribute to the late President Kennedy, and we expect to see it followed by a "spontaneous" demonstration for Robert Kennedy for Vice President. We think that a few of Bobby's supporters will try to force LBJ's hand. That's fair enough politics; but the maneuver could react against itself. The Attorney General has done a fine job. There has been a stricken look on his face these last few months that elicits sympathy. We have only one objection to his nomination for Vice President – his age, 38. Let him work his way to the top in his own right, rather than by inheritance.

Our private choice would be Hubert Humphrey. He has grown immensely since 1960; belongs to the inner circle of Congress and yet has never dropped his name from the masthead of ADA. He is doing a splendid job on civil rights and will, we hope, emerge with a victory. Big city liberals and unionists like LBJ well enough, but are still uncertain about him; Humphrey's selection as running-mate would end most doubts.

It would be nice to see Adlai Stevenson a Senator from New York, too.

Listening to the President last week telling the Chamber of Commerce how he miraculously cut the Kennedy $10 billion budget deficit "in half" for fiscal year 1965 (beginning July 1) gave us wry amusement. Will the public, we wondered, ever understand the art of budget-rigging?

A new President takes office in January (LBJ in November). The public at once asks anxiously "Will he balance the budget?" The pressure is felt from the first. Almost of necessity he begins immediately to play the traditional budget game.

Take a big defense bill, for example, that comes due in July. Well, July is the start of the 1965 fiscal year – Mr. Johnson's fiscal year. By accelerating payment into June he will put the expenditure into the total for *this* fiscal year – the Kennedy year. President Johnson has "improved" his budget performance by juggling expenditures and revenues by several billion dollars.

Then again, for some wild reason only known to the archaic Administrative Budget under which we operate, a federal asset that is sold is listed as "income," just as its acquisition is an "operating expense." Mr. Johnson is selling some $2.3 billion of US financial assets to private buyers (for example, $1.2 billion of Federal Housing Administration mortgages). The country isn't richer, but the "deficit" goes down.

Another device is to drop items from the Administrative Budget by making them "trust funds." They are still there, of course, but the money comes from earmarked sources, and they disappear from the preposterous budget.

Harvard's Otto Eckstein gives a frank but sympathetic account of what Mr. Johnson is doing in the April issue of *Challenge*. Budget-rigging is expensive, Eckstein agrees, but taxpayers demand it. They insist on being fooled. Alone among nations the US considers "that any deficit is bad," and measures it by an archaic budget. Presidents escape from the myth by dubious devices, but only by such devices, he says, can they "run sensible economic policies."

In a word, without this elaborate hocus-pocus, forced by public prejudice, "the economy would have experienced substantially higher unemployment and slower growth."

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Going Johnson's Way

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It may be an angry year in collective bargaining as well as in civil rights. Looming ahead are wage struggles in the auto industry and elsewhere. The outlook for profits this year is for a 14 percent rise, after tax; but wages on the average have been climbing only four percent a year and this rise seemingly is regarded as steep enough measured against productivity. President Johnson achieved in the rail dispute a settlement that most people regard as a near miracle, and he is determined to croon, wheedle, cajole, flatter, seduce and ear-bend the employers and the unions into going the way he wants, which he defines as all the way to full employment without inflation. The trouble is that while he has offered the businessmen the enticement of still another tax cut, labor leaders feel that they ought to be demanding and getting better working contracts in order to keep their union rank-and-file happy. This does not mean that the President's peculiar magic will fail with organized labor. But, unless it is unusually potent, the unions may feel that the President tickles the ribs of business but pulls labor's ears to make it yelp.

President Johnson is ebulliently confident about the state of the economy, and not without reason, but one of the biggest single factors accounting for the current glow of well-being is the confidence that the businessmen have in the President. This is reflected in the stock market despite occasional dips, and in what business is probably going to spend this year on new plants and equipment – getting on for $45 billion, a 10 or 12 percent increase compared with last year. It certainly doesn't hurt for businessmen to reciprocate the President's confidence in this fashion, but at the same time there are one or two danger signals that should not be overlooked; for example, consumer installment debt is growing by about $600 million a month. If this is also a factor in the current investment boomlet, besides faith in Mr. Johnson, so is the recent tax cut; had it not been for the tax cut, the common talk now might be about a drop in business instead of about the dangers of inflation. In short, the President's breezy optimism is a good tonic for all of us, but ought not to be allowed to disguise the fact that the big US economy is under a sort of compulsion to keep getting bigger or start to falter.

The sheer size of the economy is what makes it difficult for a lot of people to swallow that the persistence of unemployment is due, basically, to a failure of total spending. This is what the President's Council of Economic Advisers says, and most economists appear to

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agree with the council. Those who take a different view seem to have a hard time getting their statistics to point to any other conclusion, and it appears highly doubtful to say the least that Mr. Walter Heller's successor, whoever he is, will present the President with a new theory. Nevertheless, the man in the street can scarcely be blamed for feeling that a Gross National Product, that now exceeds $608 billion and which promises that this will be an 8-million-car year, *must* be able to provide jobs for all who really want work. But the Ptolemaic system of astronomy, which taught that the sun went around the earth, also in its time seemed to be self-evident common sense, and anything that contradicted it seemed nonsense; and before that, most people were sure the earth was flat.

Last year, before the tax cut, the GNP was below $600 billion but 1963 set new records for capital investment, which this year promises to break; yet the rate of unemployment last year stuck around 5.5 percent, and this year even the confident Mr. Johnson doesn't expect it to do better than maybe fall to five percent, which is not good enough. The point is, such a fall in the jobless rate if it occurs will actually mean that 1964 will have shown the biggest annual gain in new jobs there has been since 1959; but the labor force is growing by 1.4 million people each year, and this growth is on a collision course with both labor-saving automation devices and shifts in the demand for labor that involve new skills which many of the new jobseekers in their teens just don't have. Society has failed in its duty to impart those skills to them.

Senator Clark and his subcommittee on employment and manpower would like to see unemployment down to three percent in 1968 and have calculated that to achieve this will require a GNP of $790 billion. This seems a huge enough dish even for President Johnson's ravenous appetite for big achievements. He is already being told it cannot be done without intolerable inflation. It almost certainly can; but the President is going to have difficulty explaining to the unions why in that case they should curb their wage demands in the face of upward leaping profits.

The Gassing Game

The natural gas lobby has launched an all-out campaign to smash the extremely fragile dam that the Federal Power Commission is building to hold back the rising prices charged by gas producers. Until recently, the 34 million consumers who use gas have been virtual captives of the producers – most of them are the huge oil companies – who jack their prices at will. Now, the Independent Petroleum Association of America, a large trade group, is charging that the Commission's attempts at regulation are a fiasco that burdens the industry with unnecessary costs, wastes public funds and brings on higher prices for consumers. Mr. Joseph C. Swidler, the Commission chairman, has had rough going at a Senate Appropriations Subcommittee hearing, where he sought additional funds and more staff to stiffen gas regulation. He was accused of harassing producers with 10-pound questionnaires, each one of which it has been suggested would require 600 man-years to complete. Twenty Congressmen from gas- and oil-producing states recently raked the Commission on the House floor for the appalling situation it had brought to this great industry. Gas producers, said Joe Pool (D, Tex.), now found themselves "living in a 'Salvador Dali' world" where nothing was real or permanent; and in a bipartisan show, Bruce Alger (R, Tex.) and John Bell Williams (D, Miss.) are sponsoring a bill to exempt the price of gas at the well-head from regulation. Gas lobbyists eagerly look forward to an inquiry into the FPC they hope Senator Gale McGhee (D, Wyo.) will hold soon.

There seems to be little enthusiasm in Congress for taking up the Alger-Williams bill this session. But the campaign against the FPC comes at a time when the President is in a position to tilt the balance of the Commission away from tougher gas regulation. He must decide by June whether to reappoint Charles Ross, a consumer-minded Republican from Vermont. Ross often lines up with Swidler and with David Black, a Democrat from Washington, for stiffer gas regulation. The two remaining commissioners, Harold Woodward, a Republican from Illinois and Lawrence O'Connor Jr., Democrat of Texas, generally favor producers. Thus, the President can befriend his former Congressional colleagues from the Southwest by appointing a gas man. But at the same time he has placed heavy emphasis on consumers. And the February cost-of-living index dropped largely because the FPC ordered the gas industry to refund excess charges. Indeed, in the past two and a half years, the Commission has ordered refunds to consumers totaling $600 million from all sections of the gas industry.

The price of natural gas depends on three separate factors: what the producer sells it for at the well-head; how much the pipeline company marks it up before selling it to the distributor; and how much the distributor marks it up before selling it to the consumer. Until 1954, the Commission had authority only to regulate the interstate prices that the distributors paid the pipelines. This was largely ineffectual in controlling the price of gas, since the producers could increase their prices at will. In that year, however, the Supreme Court ordered the Commission to regulate the prices that the pipelines pay the producers. This it failed to do, spending most of the time between 1954 and 1960

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helping instead to promote legislation in Congress to reverse the court order. Meanwhile the price of gas rose from 9 cents per thousand cubic feet in 1954 to 16.5 cents today. Since gas generally has been discovered in the process of drilling for oil and involves a gamble on the part of producers the business of isolating costs has been particularly complicated. At first the Commission toyed with the idea of ascertaining costs for each individual producer (there are more than 18,000 of them in interstate business) and then setting a fair rate of return. In 1960 it gave up this idea and set out in pursuit of a master scheme whereby it would establish area prices for 23 different gas-producing regions, by surveying costs of all companies in a given region and then establishing a price, based on the average cost and other pertinent financial data, for all producers. This is a long, involved business, and for three years the Commission has been preparing and recording evidence in the first area, the Permian Basin, in Texas. The examiner's opinion should be before the Commission late this year. A second inquiry is proceeding in Louisiana and, because of the experience gained in the Permian Basin, is going ahead at a faster clip.

As it wrestles with area pricing, the FPC has devised a makeshift pricing mechanism to hold back prices during the interim. It scans prices for a given area to find the level at which most gas is sold. It then requires producers to make sales at or below this "guideline" price. While the Commission has held back price rises in several areas in this way, any producer who feels himself injured can file for an increase. The FPC can suspend this increase for a five-month period. Then it automatically goes into effect, subject to refund.

If the producers dislike the interim price ceilings, they have much more to fear in the Permian Basin case. The FPC staff, charged with presenting the consumers' view in these proceedings, has fought for a price of 13.7 cents per thousand cubic feet. Contracts in this area now are made in the neighborhood of 16 cents. Each cent means a difference in total producer revenues of $10 million.

James Ridgeway

The Militants

The possible shape of civil rights struggles, discussed by Mr. Bickel on page 11, is aptly illustrated by the following account.

Chester, Pennsylvania

This gray city of 63,000 people is not just one of several Northern cities where mass demonstrations for greater school integration have occurred; it is the home of one of the most militant of all the civil rights movements, the aggressive Chester Committee For Freedom Now. Twice in one week the CCFN called for school boycotts, and 30 percent of the children obediently stayed home. When a car ran into a column of 400 marchers, injuring four, CCFN demonstrated before the police station in the precinct, and later hanged in effigy the Negro vice chairman of the Human Relations Commission. More than 600 demonstrators have been jailed, and the authorities closed down the city schools for several days.

As demonstrators intensified their efforts, the police got rougher and lately have been laying about them with clubs. April 24, 50 state troopers marched into the Negro slums at the conclusion of one demonstration and blackjacked every Negro in sight as television cameras recorded the event. "There's one, get him," yelled a cop, giving chase to a Negro he spied. They even clubbed a pregnant woman in the stomach. Earlier that week, a reporter from the *Philadelphia Bulletin* presented his credentials to the police while covering the story and a cop clouted him over the nose, breaking it. Another reporter from the same paper was seized and searched when he sought to find out what had happened to his colleague. "As far as I can see there has been no police brutality here," said Chester Mayor James H. Gorbey after this incident. Legal procedures in Chester seem to have been placed in abeyance. Swarthmore students participating in a March 28 demonstration say they were arrested, booked and arraigned without being permitted to see a lawyer. Later that night, they were hustled off to Broadmeadows prison, placed in a "dormitory" above the prison's meat freezer room. Each one was given one blanket. Some sickened with the cold, they beat on the door but the guards ignored them. A hundred people were held for over a week in a garage that has one toilet in nearby Media.

The CCFN's tactics are mainly the work of Stanley Branche, a 30-year-old Negro beribboned veteran of the Korean War who spent last summer working in Cambridge, Md. CCFN is demanding more schools, free school transport, and equality in numbers of white and Negro children in each school. Branche now is at loggerheads with Phil Savage, NAACP representative in the area who recently conferred with Governor Scranton about the Chester mess. This particularly infuriated Branche since Savage has little support in Chester, and in effect the Governor sat down to make a deal with a leader without a following. Now Savage and a group of Chester Negro ministers are calling for a 30-day moratorium on demonstrations, but Branche says flatly that unless the city offers concessions there will be no cooling-off period.

Five months ago, a CCFN boycott brought about the transfer of 160 Negro children from the overcrowded Franklin school, although the Chester school board

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had opposed pupil tranfers as a matter of settled policy. The board's "freeze" had been imposed after the 1954 desegregation ruling of the Supreme Court, supposedly in order to deter white parents from enrolling their children elsewhere. Nevertheless, some white parents moved out of the school district and others sent their children to elementary parochial schools. There has been a continuing influx of Negroes to Chester, so that Negroes now compose a third of the city's population, and account for nearly half its school children.

Seven of the city's 17 schools have 80 percent or more Negro children and all of them have some Negro pupils. But many of the schools, particularly in the Negro neighborhoods, are old, with poor facilities. Although about $100,000 has been spent on improving the old buildings, and three new schools have been built, seven schools have had to be abandoned.

OWEN MORITZ

Cigarettes and the Ad Man

New York

The cigarette makers' new advertising code, announced last week, may ease the consciences of Madison Avenue copywriters for famous brands of cigarettes, who, questioned on how they feel now about singing the praises of what the Surgeon General has condemned, exhibit two interesting reactions. Thirty-five percent of them, according to a *Printer's Ink* survey, admit they themselves have given up smoking, and 15 percent have cut down. Nevertheless, not one of 20 cigarette copywriters interviewed by a reporter for *Advertising Age* admitted to having any pangs of conscience at creating copy for a product a government report has pronounced harmful.

"Writing cigarette copy doesn't bother me one bit! Why should it?" one said to me – "Should an automobile copywriter worry about writing copy for automobiles just because thousands of people die in car accidents every year? Is it wrong to write liquor ads just because there are alcoholics?"

"It's all a fad," another said. "A little while back it was the scare over cholesterol and heart disease. Fads, fads! All this stuff about cigarettes and cancer will be forgotten this time next year. It'll be something different they're riled about."

"At the moment," said a veteran copywriter, "I don't have a cigarette account to work on. Wish I did. The report doesn't bother me. I'll take their money. I write for the man who feeds me."

After a while, copywriting gets to be a game of claims. What can you write, weasel worded or no, about your brand that convinces consumers (all people are consumers in the ad business) your product is better than that of your rivals?

There is much talk here among ad men about the claim of the Lennen & Newell agency that "no medical evidence or scientific endorsement has proved any other cigarette to be superior to Kent." There is a certain professional pleasure that any copywriter should come up with any claim no matter how bland – in the face of all the furor over the Surgeon General's adverse report. In Chicago several weeks ago, NBC presented a skit to its affiliates kidding agency men. An executive suggests this statement for a new cigarette: "We guarantee that every pack of Isano cigarettes is definitely less harmful to the smoker than any other pack of cigarettes on the market." The other executive wants to know how to substantiate the claim. The reply: "Very simple; we put only 19 cigarettes in every pack."

It is possible that advertising writers are concerned. Some of them hope cigarette companies will do more research on new filters and new processes for curing and treating tobacco. What they may really have in mind is that new advertising wars will then break out, and there will be violent claims as to which tobacco process, which type of filter, which type of cigarette paper (if any) is less likely to damage one's health.

CROSWELL BOWEN

The Bounty of Texas

Mr. William F. Buckley was the University of Texas' first Visiting Fellow last December and I was its second this April. Texas' Visiting Fellow program was organized by her Students' Association to expose to her undergraduates persons of the sort who are advertised as distinguished in the world outside.

No placard advertising my presence went unaccompanied by the adjective "liberal," which description I suppose defined the special achievement which had marked me out for these five days at a fee almost as handsome as my auditors and through courtesies as unself-conscious as they were unfailing. It had, of course, been Buckley's special distinction to carry the nameplate "conservative"; so, then, I had little distinction except as balance. It is ridiculous to complain about this sort of thing. The television panels have already conditioned us to think of the American dialogue as Mr. Buckley for the right and some deputy from what we think deserves to be called the left confronting one another across the sunny, empty plains of the middle, and it may be our fault and not our children's that so many of them seem to think it their duty to be graduated with "liberal" or "conservative" on their diplomas, like the religion on a dog tag. Still the effect is rather like some cafeteria: the cherry pie one day and the blueberry the next. I was grateful, therefore, more

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from notions about education than for reasons of state, to hear that Buckley was most vividly recollected by two of our hosts because he had discoursed so charmingly about the clavier. Perhaps, after all, now that the Visiting Fellow program has done its duty to the real world by inviting two such practical fellows as Buckley and myself, it can pass to the poets and the novelists.

The University of Texas is as immense as might be expected. It has close to 20,000 students. Two hundred of them are Negroes, whom the administration has not yet quite brought itself to integrate into the dormitories; they do not, of course, belong to the fraternities or even to the cooperatives, although they have just been declared eligible for the athletic teams. These Negroes are outside the life of the college – just as they appear to be outside their own restive community in East Austin – but, in that status, they do not seem so different as one might think from the majority of their white fellow students. There is an impression that the fraternity houses – some blue modern like the Du's, some colonial like the Kappas – dominate the university; and it is true that the fraternities provide most of the audiences which endure a visiting fellow and most of the officers of the Students' Association. But barely 10 percent of the students belong to the fraternities; there exists for the rest a range from the luxury boarding house to the Spartan but ebullient quarters of a co-op like the Campus Guild. This class discrepancy gives the visitor the eventual sense that he is in an American city rather than in an academy; and, for all its imbalance, Texans may have found a better way to do these things than have those great Eastern universities which engage the problem of fraternities by turning themselves each into one great fraternity.

But Texas is not comfortable with comparisons Eastward. Harry Ransom, its Chancellor, has an heroic commitment to raising the university to what he calls first-class status, and any Easterner traveling from house to house gets used to the recurring question about the ways Texas differs from Harvard. Beyond the answer that he knows even less about Harvard than he does about Texas, there is the reflection that the question is irrelevant and any real difference immaterial.

The university has an extraordinary collection of manuscripts; bibliography was Ransom's passion before he ascended and bibliophilia remains his passion now. Some of them are displayed behind glass in the Academic Center; a visitor peers at Faulkner's hand, ruminating along without crossing out a line, and at Lawrence's impatiently violating his type-script; the first response is a little sour, like a provincial Greek's confronting the trophies of Rome; but envy very soon gives way to surrender to the presence these old papers evoke and to a peculiar appreciation of that Western innocence which sets them forth for any idle student to look upon and wonder at.

But then, quite by accident a little later, I visited Houston-Tillotson, a Negro college not five miles from the University of Texas, and happened upon the few boxes it needs to catalogue its library. The University of Texas can display the manuscript of Conrad's *Victory;* but there is not even a cheap copy in the library of the Negro college closest to it. That is real poverty and it renders irrelevant all comparisons between Harvard and the University of Texas; we can assume by now that if a student at either comes out with a poor education, a great part of the fault is his. But, if a Negro comes out of Houston-Tillotson with a poor education, the fault remains mostly ours; the test, for Texas, just as for the rest of us, is not how far it has advanced but how many people it has left behind.

Still Texas' students retain that charm which belongs to young people who do not think themselves special and anointed; there is about them none of that offensive conviction of being prepared to rule the world with which, as an instance, Princeton students seem to spend the four-year period before they seize the ropes of power as assistant television directors and salesmen of advertising. The average Texas student is, of course, forced to work harder at his summer job and less hard on his books than he would at Princeton and that latter indulgence is a deprivation.

His education seems to suffer from a larger emphasis on what is thought to be current and practical than we find in the East. English is the major study of 1,000 undergraduates; but no more than 35 take the university's course in 17th Century poetry. The dominant tone among those students a Visiting Fellow is apt to meet runs then to the social sciences, and he is apt to depart fortified in the prejudice that social scientists should be promoted not for how much they publish but for how little.

Most of the questions these students ask tend to the practical, if we define as practical such matters as who shall be the Republican nominee for President. One feels blessed – even broadened – at being asked what one thinks about the life philosophy of the publisher of *Playboy* or why "liberals" are against fraternities. These are concrete matters; it is those discussions which think themselves rooted in contemporary events that turn out empty and abstract.

The most frequent question, for example, was whether by such tactics as the World's Fair traffic stall-in the Negro was damaging his cause. When these questions began, the stall-in was only a prospect; but they went on after it had turned out an illusion; all that week we continued a discussion of something which had never happened. An education which emphasizes the current has a way of ending in talking about what men said they would do rather than about what they

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did; and, worse than abstracting, it distracts: the events of Negro history since 1954 are sequences in the poetry of all American history; yet, when they intrude finally upon the rest of us, our essential indifference limits us only to debates about tactics.

The Students' Association, so wonderfully concerned to enliven its community, has organized a daily program called Stump Speaking where students can gather and informally debate great public issues. When I was inflicted upon this institution the subject was General MacArthur, as though he had not withdrawn from history when most of those present were eight years old. It was an enjoyable interlude of fun and games; then I departed and the talk turned to the condition of the Negro students, and when it was over a few of these, in the company of white friends, adjourned to the girls' honor dormitory for a sit-in. Meanwhile, I wandered about the campus blithering abstractions and learned about this reality only the next day when I read about it in the university daily.

I had then the sense of deprivation you should always have when you find out that something real had happened while you were only a hundred yards away, and there was an unexpected sympathy for the university's permanent party. Living as an adult in any college community must require an immense concentration of the will and the attention to avoid being part of what is an unconscious conspiracy to protect the young from the real.

They are protected, one supposes, by being told that what is real is social studies. I would not argue that agitation is all; yet the Negro community of East Austin goes on week after week quarreling with the city council while one generally hears their case discussed on the campus only in terms of their public-relations image. There are, of course, instructors and students who go down to City Hall to help these protestants now and again. The most conspicuous adults – and it should not be a surprise – come from the English department; the poets remain our real legislators. I was supposed to end my tenure with a final speech; I thought a long while about what I was to say, and, rather late in those thoughts, it occurred to me that few of those present had ever read me and not many more had ever read Yeats and that a proper sense of what is consequential would demand that I read to them Yeats rather than myself. But I had not the equipment to carry the burden of Yeats, and I had to make do with myself, so now I am come home grateful for the bounty of Texas and the grace of its manners and hoping that, in return, Buckley and I have done no worse than hold open the door for the poets and the novelists. The young do us a service greater than we can do them; how otherwise could five days with them have reminded Buckley of the clavier?

Murray Kempton

FOREIGN REPORTS

THE TWO EUROPES: *Transition*

★ The influence of the United States and the Soviet Union on the rest of the world is less and less determined by the weapons at their disposal, writes Raymond Aron. The overkill capacity of modern arms reduces their political effectiveness.

The two Great Powers have contributed to the decline of their influence by their *rapprochement* with one another.

Khrushchev is trying to convince world public opinion, and particularly American public opinion, that he, too, is resolved to shift the conflict over into the area of subversion, propaganda, or economic competition.

The transition, motivated perhaps by the crisis in Soviet agriculture, by the rift with Red China, and by the Cuban experience, is apparently considered a *fait accompli* throughout the world. Today, no one fears total war. The Western European nations now that they no longer fear an Apocalypse are already grumbling about the possibility of a second Yalta. Yesterday they were deploring a rivalry which might touch off the ultimate catastrophe; today they are suspicious of an *entente* for which the old continent would have to foot the bill.

Yet alliances are continuing and will probably as long as Germany remains divided and Soviet troops are stationed in East Germany. But the Western Alliance has always been limited to a particular region, and tends to drift into hibernation during times when the *status quo* seems to be universally accepted and when the critical international struggles are centered in Africa, in Southeast Asia, or in Latin America. As for the nations of East Europe, they are progressively regaining some autonomy in their internal affairs and their trade relations with the West. Economic and cultural exchange between the two Europes is on the increase. It is no longer impossible to envision a Europe at peace from the Atlantic to the Urals, though this millenium is not yet at hand.

EAST GERMANY: *Oil from Arabia?*

★ The pipeline running from the Soviet Union to East Europe will not carry enough oil to supply the immense petrochemical complex now building at Schwedt, East Germany, and extending 200 miles to the Polish border. Already Herr Ulbricht's planners are expanding facilities at an oil port on the Baltic, against the time when a third of Schwedt's total supplies will have to be shipped in from North Africa or the Middle East. In-

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formal talks with French and Arab oil interests have been initiated by East German trade representatives abroad. (French interest in trade with East Germany was indicated by its large exhibit at the Leipzig Fair this year.)

A prerequisite for the realization of these plans is a substantial increase in East German exports to the West, since the country has no other means of paying for raw materials from outside the bloc. Although East Germany's foreign trade now equals approximately that of Switzerland, 84 percent of it is inside the bloc.

GENEVA: *The Better Deal*

★ With 1,200 delegates, the United Nations Conference on Trade and Development is the biggest economic conference ever held. So far it has achieved startling unanimity on the need to give the poor countries a better deal. Everyone acknowledges the chronic state of their worsened terms of trade, the widening gap between their export earnings and import needs, and the mounting burden of amortizing and servicing their external debt. But UNCTAD is making disturbingly slow progress agreeing what to do about all this.

The group of 75 Afro-Asian and Latin American countries (plus Yugoslavia) which originally sponsored the conference are in a sense leaderless following the coup in Brazil, and they differ on proposals for commodity agreements, regional trade preferences and compensatory financing. The Latin Americans and some Asian countries want all duties on tropical products lifted by the end of next year, but this would cost the Common Market's 18 African associates loss of their preferences. North African states like Algeria, Tunisia and Egypt have different balance-of-payment problems than the others. Even the ingenious Israeli plan to enable developing countries to raise $2 billion of investment capital annually at only one percent interest, through an interest equalization fund financed by the Western industrial countries, is distrusted by some of the less-developed countries as liable to divert from them loans they might otherwise get.

Meantime, both the US and Russia look ill at ease, rich nations being jostled by poor ones. Undersecretary Ball warned against regional preferential agreements as possibly reviving colonialism in a new form – then offered just such preferences to Latin America should UNCTAD fail to produce wider agreements. Russia promised to abandon tariffs on imports from the developing countries by the beginning of next year. But because Soviet trade is a state monopoly the skeptical developing countries seek tangible concessions like multilateral payments facilities and guarantees of expanding East European markets for their goods.

Lodge Is Oregon's Bride by Mail

In the May 15 Republican primary, Oregon voters are expected to revive the frontier practice of ordering brides by mail. The pioneers ordered brides by mail because no acceptable brides were available locally. Rockefeller and Goldwater, who want Oregon's approval so desperately, are just not acceptable to many Republicans. But Henry Cabot Lodge apparently is.

Although Oregon has only 18 convention votes, voters are aware of the importance of their primary, which comes only two weeks before California's, with its 86 votes at stake. They remember that it was their 1948 primary that scuttled Harold Stassen. This year's primary could be even more significant. Because of a new law, all major candidates are on the ballot. The secretary of state had to put on the names of Rockefeller, Goldwater, Nixon, Scranton and Lodge. Only Romney removed himself from the list. Mrs. Smith's name was put on by petition. Only registered Republicans may vote, so the Wisconsin crossover problem will not be a factor. Write-ins are permitted, but no write-in campaigns have developed. Only the name of Lyndon Johnson will appear on Democratic ballots. The results of the primary are theoretically binding on delegates as long as the indicated candidate has a chance, but there is no penalty for jumping the traces. In 1960, one Democratic delegate did.

The Oregon voter is an independent creature. He is often disdainful of the leaders of his own party, and is fiercely determined not to be pushed around. In the same election, he returned Republican Mark Hatfield to the governorship and re-elected Democratic Senator Wayne Morse. Two years earlier, he gave the state's six electoral votes to Nixon and sent Democrat Maurine Neuberger to the Senate. He has often used his power of initiative and referendum to thwart his own Legislature.

It is this crusty spirit that the Rockefeller forces have misjudged. Their candidate, obviously spending huge sums of money, suffers now from overexposure. He turns up at the crossroads, all big handshake and toothy smile. He looks out from newspaper pages, billboards and picture tubes. The Oregon voter is just perverse enough to vow that anybody who wants his vote that much isn't going to get it. Also, Rockefeller's candidacy suffers because, in the words of Walter Lippmann, he stoops to conquer. He is trying to be just folks. Oregon voters take amused offense at being patronized. Many feel he seeks to sell his personality rather than his program. They wonder if they are

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being jobbed by Eastern forces they don't understand, but do mistrust. The remarriage issue hurts. Even those who do not personally object fear it means he would be bound to lose in November.

Some older voters, especially women who are disturbed about the remarriage, would like to support Goldwater, a fellow of no pretensions, unblemished personal life and comfortable Western ways. However, these people are disturbed about Goldwater's position on Social Security, medical protection for the aged and public participation in the development of natural resources. And most Oregon voters are internationalists, strong supporters of the United Nations. As Rockefeller's campaign falters because of personality, Goldwater's falters because of program. No matter how hard his backers try now to sanitize their candidate, he cannot live down the views he has expressed in his books and in the newspaper column that used to appear under his by-line.

In their search for an alternative, few look toward Scranton. It's not that they don't like him, just that they don't think about him. Mrs. Smith's campaign, if that's not too strong a word, has been marked chiefly by the suggestion of a Eugene housewife that other housewives send her their trading stamps. Many professionals seem to prefer Nixon, and a Nixon campaign of sorts is beginning to get off the ground. But though Nixon carried the state in 1960 by 40,000 votes, there appears to be little popular support for him now. As one Republican observed, "Just let 'em play those teevee tapes from after the California election, and he's had it."

Lodge rides the bandwagon. Voters remember him less as the 1960 Vice Presidential candidate than as the good-looking fellow "who stood up to Khrushchev in the UN." His backers have dusted off his Senate records, the most recent of which is 12 years old, to show that he is the kind of liberal, internationalist Republican whom Oregon voters seem to like. His determination to stay in Saigon had its own appeal. In this he seemed to show the kind of independence Oregon voters so admire in themselves.

Questions come up about Lodge's aloofness, his lack of the common touch that Rockefeller has sought so vainly to acquire. There are repeated accusations that he is lazy, that he was a drag on the 1960 ticket. Many of the more thoughtful people who would like to support Lodge wonder about his position on matters that were not at issue when he was in the Senate or the UN. What does he think about civil rights, the test ban, lumber problems, farm subsidies, Panama and Cuba, or the war on poverty? Those who think Vietnam is a campaign issue question if Lodge is the man to pursue it.

Basically, the Oregon contest pits Goldwater against the field. Goldwater has been little hurt by Lodge or anybody else – except himself. The opposition to him is divided, as the Rockefeller people are trying to explain as election nears. Oregon Republicans, however, appear increasingly likely to do their own shopping, even if they have to do it by mail.

ROBERT B. FRAZIER

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Governor Hatfield

"The businessman seeks to give the public what it wants; the intellectual what it ought to have," Mark O. Hatfield once declared. "It is my contention that it may be a measurement of maturity when the public reaches a point at which it wants what it ought to have." This is the sort of platitude that seasoned politicians admire, and is an indication of why Hatfield's future looks so bright. The handsome 42-year-old Governor of Oregon is not permitted by law to run again, and he either must go down or move up the ladder, possibly by seeking Mrs. Neuberger's Senate seat in 1966. As a Senator, Hatfield would have a forum: Oregon has so frugal a philosophy that the state does not even give its chief executive an official residence. The publicity of the primaries is good for the Governor, who wants exposure on the national scene as a successful leader of the Republican Party.

Hatfield has splendid political credentials. His father was a blacksmith, his mother a school teacher; he himself served as a naval officer in World War II, then taught political science at Willamette University before becoming the dean of students. His wife, Antoinette, is the daughter of a longshoreman who migrated from Yugoslavia; she has charm, ambition and political know-how. The Governor is a deeply religious Baptist. Sometimes the state police officer who acts as his chauffeur pulls the car over to the side of the road during a trip; he and Hatfield get out, kneel, and pray.

Mrs. Hatfield is a key member of the "Kitchen Cabinet" which is building the Governor's future. Glenn Jackson, chairman of the Oregon Highway Commission, is another important member of this group; he is vice chairman of the board of the Pacific Light and Power Company.

On foreign policy matters, Hatfield takes a somewhat Dullesian view: "I believe that peaceful coexistence is possible, provided there is a proper understanding of the unswerving, total dedication of international Communism to its complete victory." The Governor supported the test ban treaty. He has little regard for Goldwater's theories of "total victory."

ARTHUR BRANDEL

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After a Civil Rights Act

by Alexander M. Bickel

The Civil Rights Act of 1964 seems assured of passage despite all difficulties. Nobody thought, before the events in Birmingham last May, that the Administration would offer such an omnibus bill or that the Congress would enact it. A new climate of national opinion was created on the streets of Birmingham.

President Johnson said last month that the Act's purpose is to "bring those disturbances from the streets and the alleys into the courts, where they belong." No informed observer believes, however, that the Act can really do any such thing, certainly not nationwide. There will be demonstrations this spring and summer, and next year, and the year after. If you ask a Negro leader what he expects to happen this summer, and if he has a good intelligence system and wants to be candid with you, the answer you get is: "Anything." And in New York and Cleveland and other cities, mostly Northern, "anything" is already happening.

Some demonstrations are within the law; most are not, in one or another degree. All are attempts to change the legal and social order through the application of pressure from without. How much direct action of this sort can any society tolerate? To label a demonstration legal or illegal is not to resolve this troubling and important issue. Additional judgments are called for. In our federal structure, one system of laws may be called into question by appeal to another, superior system; this has consequences for the duty to obey. We should also bear in mind the tradition of protest and extra-legal action that has grown up in American history alongside the tradition of legality – from the Boston Tea Party, through opposition to the Fugitive Slave Law, to the struggles of labor to achieve industrial democracy.

The most striking characteristics of the Negro protest movement at present are its generality, and its variety. It is everywhere, and almost everywhere it is different in ends and methods. So it must be assessed at retail. The first and major distinction that must be taken is regional. In the South, where the movement started, prospects, aims and problems are not the same as in the North.

In February, 1960, a group of Negro students "sat in" at lunch counters in Greensboro, N.C., quietly, peaceably but immovably until, having been refused service, they were arrested. What they did, and what many others did following their example, was illegal under local laws valid at the time, and it disturbed the peace of the community and often led to violence. But the local law while enforceable for the time being may need to be tested by those willing to bet on its ultimate invalidity. This was what the sit-ins did, and they were well within the traditions of our legal order. The violence they sometimes led to, which was almost always the fault of others, is one of the risks our society assumes in setting up a tension between two systems of law, state and federal; for it is a thoroughly legitimate exercise in law reform to exploit this tension. The sit-ins never quite won their bet in the federal courts – a series of sit-in cases is even now still pending in the Supreme Court – although they never quite lost it either. But in many communities they achieved voluntary concessions, and they are about to win nearly everything they contended for in Title II – the Public Accommodations Title – of the Civil Rights Act.

And yet they do not now pass into history as classic little case studies of the kind of extra-legal direct action that is not only tolerable and even to be expected in our system, but is often happily successful in forming new and beneficial law. It would be overly sanguine to expect an end of sit-in troubles. This is the lesson taught by a somewhat different sort of demonstration, which took place a year after the first of the sit-ins, in the spring of 1961. Against the advice of Attorney General Kennedy, groups of young people ran some integrated buses into the Deep South. These were the Freedom Rides, that led to riots in Alabama that finally caused President Kennedy to send in federal marshals.

The point about the Freedom Rides is that they weren't testing the state law so much as the federal law. It needed no new federal law, even as of 1961, to establish everyone's unqualified right, without restraint of local segregation practices, to travel freely in interstate commerce. Federal law was simply not being observed in Alabama. The question now is whether Title II of the Civil Rights Act of 1964 will be observed there and elsewhere. It is a question that sit-ins are almost certain to be asking.

The South has been relatively quiet this spring. But plans are being laid, particularly it seems in Mississippi. There will be not only tests of public accommodations, but voter registration drives. The Mississippi legislature has beefed up the state police force and armed it with a set of newly-defined offenses. The city of Jackson,

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Mississippi, has mobilized a riot-trained regiment of the mayor's own full- and part-time cops, and has acquired at least one home-made tank. After July or thereabouts, much will depend on whether Title II is being voluntarily complied with.

By persuasion and negotiation the Department of Justice has achieved, without the aid of any statute, rather remarkable progress in desegregating public accommodations. Figures gathered by the Department in a continuing survey of 566 Southern and Border cities (of which 468 have a population of over 10,000) show that last May, 109 cities had desegregated theaters; by November the figure was 253; and this February it was 284 cities. And the number of cities desegregating restaurants went from 141 to 270 to 298. For desegregated hotels and motels, the figures were 163, 222, and 259 cities; for desegregated lunch counters, 204, 304 and 344. This is voluntary compliance before there is a law to comply with. But it was obtained chiefly through negotiations with chain organizations. The more difficult problem this summer will be obtaining compliance locally, community by community.

It is possible to hope that the desegregation already achieved will be contagious. Managers and owners of desegregated establishments have acquired a bit of a vested interest in desegregation. This is the hope. If non-compliance is widespread, the Justice Department will litigate, but no one expects that a litigating effort can proceed massively and rapidly enough to attain visible results this summer, or truly pervasive results by next summer, or even, perhaps, the summer after. The new Act is therefore likely to provoke as many fresh sit-in demonstrations as it will make unnecessary. What it will do is render most sit-ins as plainly legal as the Freedom Rides of 1961. If there is violence and if local authorities make peace against rather than for the lawful sit-ins, it will be the duty of President Johnson to keep a just peace by using federal force. There is no reason whatever to suppose that President Johnson will see his duty in this respect any differently than did President Kennedy.

May Lose Control

But if desegregation may be contagious, demonstrations certainly can be. And, while the established Negro leadership (*e.g.*, Dr. Martin Luther King, James Farmer of CORE) retains more authority in the South than it seems currently to be able to exercise in the North, it may well lose control of events. Two days of rioting in Jacksonville, Florida, in March provided an example of the possibilities of discontrol. There is a great deal of room for maneuver in the area between lawful sit-ins and the riots of Jacksonville. But the bounds of strict legality are soon passed. They were passed by the mass marching in Birmingham last spring, for example, and may be passed even by mass marches of voting applicants to the registrar's office. Of course, as President Johnson has remarked several times, there is a federal Constitutional right to assemble and to petition for a redress of grievances, and in many instances the action of the police in forbidding a march or assembly is itself illegal. But it is questionable even then whether the legal way to test the legality of the police action is to persist against police orders. And the First Amendment creates no blanket right – for Negro demonstrators, or the American Legion, or the Philadelphia Mummers – to march at will, any time, any place, in whatever numbers.

And yet, despite all its risks and inconveniences, this is a form of protest that ought to be tolerated, and if not encouraged, then at any rate protected. A society that has oppressed a portion of its population the way the Negro has been oppressed, especially in the South, is after all fortunate if all it gets in return is mass marching. This is what we must hope the President will say at the appropriate time, rather than to make believe that what is happening is necessarily covered by the First Amendment, thus implying that it is to be condemned if it turns out not to be so covered. And a technical judgment of legality should not determine whether the President steps in with federal force to maintain a just peace when, as may well happen, demonstrations and counter-demonstrations get out of hand and are met with brutal and one-sided repression by local authorities. Nobody need condone violence, and it is the proper office of the President, as of governors and mayors, to condemn violence and to warn against it; but how one regards action that is not itself violent or aimed at violence, but merely carries the risk of it, and how one goes about the necessary task of controlling and suppressing violence when it occurs, are different matters. It is not an adequate answer to the ancient grievance of the Negro to provide him with slow, deliberate legal means for its redress and ask him to be satisfied because, ultimately, these means will work, and ultimately his reliance, as ours, is in the rule of law. The Negro is heir, as one of the most responsible Negro leaders said in private recently, to a deep legacy of cynicism about the law. It was bestowed on him by the whites, and it is finding expression in the demonstrations. It behooves the white society to understand this, and to be willing to subject itself to some inconvenience and risk while we attempt to make proof to the Negro of the law's efficacy and good faith.

The patience and understanding of the white majority are even now being tried in the North more sorely than in the South, although serious violence seems less likely to occur in the North, and the need for dramatic federal interventions seems remote. But grievances in

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the North are difficult to redress, because they go to deeply entrenched features of the society, which can be reorganized only over time. This means that the Civil Rights Act of 1964 will make very little difference in the North. The disowned chapters of CORE in New York which planned the World's Fair stall-in that failed put forth these demands:

Close down all construction sites immediately until the work force in that industry is fully integrated;

Begin an immediate "rent strike" throughout the ghetto areas;

Produce immediately a plan with a timetable for total desegregation of all schools;

Create a public review board, selected by civil liberties, civil rights, and church groups to investigate complaints of police brutality.

Now the city cannot close down all construction, or conduct a rent strike even if it were true that a rent strike would magically transform slums into garden apartments; and a plan with a timetable for total school desegregation would be a sham unless it totally abandoned the neighborhood and even the regional school, for nearly a majority of the school population is Negro or Puerto Rican, and total desegregation has to mean transporting masses of white children from outlying areas into Negro schools as well as the other way around. Negro schools are often inferior. What good is it to anyone to force white children to accept inferior schooling? Such white children as are at all able to do so would flee the public school system, which would, in turn, be simply destroyed. Finally, it is as improbable that churches and the like could run an effective police

If Wallace Stole the Dome

Birmingham, Alabama

One year after, Birmingham has "made genuine progress," according to Arthur Shores, a Negro attorney who has represented the National Association for the Advancement of Colored People as legal counsel here for 25 years, and is an incurable optimist although his own home was bombed twice last September. Performances at the municipal auditorium have been desegregated, playgrounds that were closed last year were reopened on a desegregated basis, two major motels and a children's amusement park also were desegregated, and the Birmingham Barons professional baseball team has five Negro players.

Dr. Lucius Pitts, president of Miles College in Birmingham, agrees that some progress has been made, but says "I must admit that I feel somewhat disgusted and frustrated at this point; Birmingham is a sick, sad city. We have had a respite in this year, but it has not really been used."

About Governor George Wallace, Dr. Pitts said: "The Governor is a smart man, but I think he is just fooling the poor white man. I would term the Governor a pseudo-demagogue, because he really doesn't believe what he says about the race question. He uses it only as a technique to get the vote of the non-sophisticated white man."

"You can't hardly believe a word George tells you," an ex-Wallacite supporter said. "But you have to give the little s.o.b. credit – he's a damn smart politician."

If popular support is a tangible measure of this smartness, then this would be so. Recently a casual reference over a Birmingham radio station that Wallace would return that night to Montgomery, the state capital, from his Wisconsin primary campaign, brought on an estimated 300-car cavalcade driving the 93 miles from Birmingham to meet the plane.

Wallace's hand in domestic matters at home has been strengthened by his showing in the Wisconsin primary. Many persons in Alabama, who were coming to feel that the Governor was perhaps merely a pompous little man beating upon a regional issue for votes, are more prone today to take him seriously. It seems to make little difference that these votes come in large degree from extremists of every stripe, who until now have lacked a rallying point.

According to the ex-Wallace supporter: "If nothing changes, George can have whatever political office he wants when his term runs out in 1966. If he runs for Lister Hill's seat in the Senate in 1968, he will get it easy. I am dead set against him, but I might as well recognize the way it is."

The Alabama Constitution prohibits a Governor succeeding himself. But legislation has been introduced to remove the limitation and to submit the amendment to popular vote before Wallace's term runs out in 1966, in case he would prefer four more years as Governor to six years as Senator.

According to the ex-Wallacite: "We might as well learn to live with him and his for a long time. The way it is now, if George Wallace stole the gold dome off the state capitol, the people would probably say, 'George, if you wanted it that much, why didn't you take it sooner'?"

Actually, Governor Wallace would gain nothing by stirring up racial strife in Birmingham this year. To do so would require both his presence back home, away from the Presidential primaries, and embarrassing explanations when he returned to the North.

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department as it is that a Congressional committee can command an army.

These are impossible demands. The grievances that underly them are just, but with the best of faith and greatest of skill and imagination it will take time and more time to do something about them that actually affects the daily lives of masses of people. The upshot is frustration. The responsible Negro leadership knows this, of course, and applies pressure, for the most part, only when some intermediate, attainable objective is denied it, or when it senses that interest in pursuing the long-range remedy is slackening. But the established leadership does not control the newer militants who have staged some of the school boycotts, such as the second one in New York, and the physical obstruction of school construction in Cleveland which resulted in one accidental death; or the militants who planned the New York stall-in.

The aggressive, scattered, self-starting new leadership that has been causing all the brouhaha in the North in recent weeks is young. Often, as in the expelled Brooklyn chapter of CORE which planned the stall-in, and in Cleveland, it is composed of very recent arrivals from the Deep South. It was to be expected that the eagle eye of J. Edgar Hoover would detect – where has it not done so? – that some of them are subject to Communist influence. But Mr. Hoover offered no evidence to the House subcommittee to which he revealed his vision, and there does not seem to be any. The most encouraging thing about the new militants is that they don't seem to hold Black Nationalist views. They operate – again, this is typically true of Brooklyn CORE – within the main tradition of the civil rights movement, in cooperation with whites. The disrespect they show their elders is natural to the young, and does the average elder more good than harm. What is disturbing is their affinity to nihilism. Their activities might be less nihilistic if they met more understanding.

Letting Off Steam

The Negro masses have been socially and politically dormant for decades. They are coming alive now. Demonstrations alert them, and train and sort out their leaders, and are as often aimed at increasing the Negro's awareness of his condition as at calling the white society's attention to it. They may, perhaps most simply, serve to let off the steam of frustration. The New York World's Fair was a fitting target, being an ordinary commercial enterprise, but the most lavish and spectacular one around, a symbol of affluence, smugness and advertising fervor. Of course it is disagreeable for young men and women – easily as many white as colored – to drown out a speech by the President of the United States, and also extremely stupid considering the record of this President. But Adlai Stevenson once had eggs thrown at him by the young gentlemen of Yale University during a Presidential campaign. James Farmer, the head of CORE, who got himself arrested at the Fair by lying down in front of an entrance, said he wanted to emphasize "the contrast between the glittering world of fantasy and the real world of brutality, bigotry and poverty." A well-taken point.

No doubt, some forms of demonstration, even nonviolent, approach terrorism and must be opposed with all available resources. The proposal to waste water in New York, which was dropped, is one example. Endangering the subway system by indiscriminate pulling of emergency cords is another, and the stall-in and traffic jam that failed may well fall in this category also. How much wiser than such near-terrorist actions if the Negro leaders, established and young, let their ingenuity run to such suggestions as that for anti-discrimination investment portfolios, which has been put before the board of the Urban League; the idea being that individuals, and churches and like institutions, would pledge themselves to invest only in the stocks and bonds of those corporations and states and municipalities which practice non-discrimination.

The statutory labor policy of the United States allows and protects strikes, which have caused more subway and traffic snarls in New York than the most militant civil rights activists have yet contemplated. Not all strikes are wise. Moreover, the intense history of the American labor movement includes many episodes of violence and civil disobedience. In July, 1894, President Cleveland broke Eugene V. Debs' (illegal) strike against the Pullman Company with federal troops, and much violence followed. History has not regarded the President's action kindly, and has been more impressed with the attitude of – of all people – Mark Hanna, who got less mad. "Oh hell," said Hanna. "Go live in Pullman [the company town] and find out how much Pullman gets selling water and gas 10 percent higher to those poor fools." And when in 1937-38, the UAW conducted sit-down strikes in the General Motors plant in Detroit, which in their way are the models for the recent NAACP lie-downs in General Motors showrooms in San Francisco, Governor (later Supreme Court Justice) Frank Murphy of Michigan refused to send in the National Guard to dislodge the strikers despite the plain illegality of their action, and continued to refuse even after an injunction had ordered them out.

We are a big, rich and stable if tense and heterogeneous society, and we have sustained and can sustain a great deal of agitation and inconvenience in a just cause. The condition of the Negro, cruelly neglected for so long, cannot be remedied all at once. Until it is, we deserve no peace. Rather than get mad over Negro demonstrations, we might reflect that industrial peace was 50

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years or more in coming – and we don't fully have it even yet. It makes a difference, of course, whether the cause in whose name we are disturbed and inconvenienced, and in whose name the civic ordinances that guard our tranquillity are disobeyed, is a just cause; it makes all the difference. Otherwise, the Pullman strike of 1894 is not to be distinguished from the mob violence that interfered with the Freedom Ride buses in Alabama in 1961. Otherwise, James Farmer's demonstrators at the World's Fair and Dr. King's marchers in Birmingham last year, although to be sure they offered no violence, are not clearly distinguished from some of the mobs convened by Governors Wallace of Alabama and Barnett of Mississippi. But the cause of the Negro protest movement – the underlying cause, seen in the large – is just, and that is a decisive judgment we are required to make. The law – and particularly ordinances pertaining to traffic and to minor trespasses – does not relieve us of the responsibility to make this judgment, any more than antiquated common law rules of property relieved an earlier generation from the necessity of deciding whether the cause for which unruly organizations of laboring men fought and agitated was just.

Planning for Health

by James S. McKenzie-Pollock

In 1946, the Minister of Health in Great Britain offered the medical profession a choice: organize or be organized. The profession did not rise to the challenge, and Britain's National Health Service was born. That service would not suit Americans, but efficient business management from within the ranks of the medical profession would. An eminent health administrator from overseas who visited the medical complex centered in the Boston area summed up his impressions by saying that a good businessman could supply twice those services at half the cost.

No sensible businessman would try to sell an expensive service before carefully testing the consumer's ability to pay for it. Already, health spending accounts for 5.7 percent of our Gross National Product. It is a $29 billion industry; $22.074 billion was spent in the private sector in 1962, and $6.94 billion was spent in the public sector.

Like Topsy, health services both private and public "just growed" in the 19th Century. In the latter half of that century public health services were designed primarily to combat communicable disease. (Asiatic cholera was still found in Boston 75 years ago.) At about the same time, but as a separate development, community efforts were directed toward the establishment of charitable medical care for the indigent; and spectacular advances were made in private patient care. The two fields of public health and medical care for individual patients developed separately, and this separation continues, though no valid reason for it remains. The words "public health" still conjure up visions of cesspools, chlorinated lime and epidemics. If the term is amended to read "health of the public," it becomes obvious that we are really dealing with the health of each individual.

In the last two decades there has been a technological explosion, bringing new techniques that are enormously useful but also enormously expensive. Even the most affluent society must now recognize that private and public resources stretched to their maximum still cannot provide everyone with all the benefits of modern medical science, unless resources are carefully husbanded through better organization of health services and a sharper definition of priorities in spending. Especially in developing countries, desperately trying to cover a century of progress in a decade, it is imperative to make the best use of limited resources. These nations should not try to copy the systems of North America or Europe today, but should aim for what the Western systems, with efficient management, *could* become a decade hence.

It is easier to comprehend the economics of health planning in the less complex social structures of developing countries. Here the health economist must decide the percentage of the national resources that should be allotted to medical care and health protection. This can only be defined at a high level of economic decision where defense, agriculture, education,

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industry and a host of other claims compete for limited resources. The health planner has a more delicate role than the military scientist, the agriculturalist, the educator, the industrialist or the engineer; for the mere mention of health planning offends many and economists often forget that industrial and other developments were possible only because a hygienic environment already existed. All that some economists know about health are their own personal experiences as patients in a high income bracket, and many doctors have found their medical degree a disadvantage when negotiating at the planning level, though they may have spent twice as long in health administration as in the clinical sciences.

Once the national total available for health spending in the private and public sectors is estimated and projected year by year for 10 or 15 years ahead, the health planner can define the trends in health policy that are possible within this figure. Such a grand design in over-all national health strategy is extremely complex and has had little support from the medical profession, but we can start by assimilating our experience in relatively simple situations where modern medical science has been applied in primitive surroundings.

In the Middle East

For example, in 1948, relief organizations did what they could to relieve suffering and stem epidemics among refugees in the Middle East. The need was for food, clean water, shelter, elementary sanitation and control of epidemics. As the years passed and the hygienic environment was controlled, treatment services were expanded and clinics, hospitals and laboratories became necessary. Maternal and child health services were developed, as well as dental services and mental health, therapy for crippled children and supplementary feeding. The budget available for health increased year by year; but by 1957 income from the UN and other sources began to level off. No matter what arguments, scientific or sentimental, the Director of Health used at the "cabinet" level within the UN Relief and Works Agency, the amount of money available to him each year was approximately $4.5 million, to supply preventive and curative medical services, sanitation and supplementary feeding to approximately a million people. During the period 1957-62, when they had to operate within a fixed budget, the doctors established the relative priorities of their program. More sophisticated curative services could be provided only if other services were curtailed. *Yet the quality of each individual service improved during this period without extra cost.*

By careful forward budgeting, a year in advance, each branch of the medical service streamlined its technical and administrative methods. (It is remarkable what doctors can do on a budget if they have to.) If no financial brake had been applied, the cost of the health program for the Palestinian refugees could have sky-rocketed out of proportion to services in surrounding countries. The end result is that probably nowhere else in the world does $4.50 per person, per year, buy so much service.

Analysis of percentage costs of individual elements of health services after years of experience and within a fixed financial figure produces a yardstick. We then have an indication of the number of hospital beds of various types that are required to meet the needs of a particular community, and how much it costs to maintain them. The percentage of the total health budget to be spent on maternal and child health services under those circumstances can be worked out. The percentage of the total health budget that it is rational to spend on individual diseases, such as poliomyelitis, in an environmental situation of this kind can be estimated. It is even possible to calculate how much is necessary for operational research to ensure the program is realistic.

As we climb up the socio-economic scale, the relative percentages of the elements change. Cancer control in a highly-developed society will be a big item; control of communicable disease will consume a high proportion of the health budget for many years in a newly-developing society.

In 1960 the World Health Organization on behalf of the new Congo government in Leopoldville analyzed the $50 million annual health program that had been developed by Belgium. It was necessary to project the form health services would take with depleted technical manpower. Yugoslavia is another example of prudent planning. Since the end of World War II, Yugoslavia has developed health services that make the maximum use of available resources. Again, integration of medical care and community health has been successfully tried in Puerto Rico; while Great Britain and the Scandinavian countries are producing figures and indices on the price of health in more sophisticated societies. In short, the medical economist is gradually building up guidelines and figures that can be useful to rapidly-developing countries, and that may also help advanced societies get more from the health dollar.

Health analysts are now trying to translate their vital statistics into indices that can be fed into the same computer that the economists use. Inter-faculty co-operation at Harvard and the Brookings Institution, and at other academic centers, is producing methods of analyzing in detail the health sector of the national economy. The cost of medical care is becoming a popular thesis for PhD candidates. All this represents progress. The price of health is worth paying, but the higher it is the more reason is there to know just where the money goes.

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Paris and Hemingway in the Spring

by Stanley Kauffmann

The very first entry in Camus' *Notebooks* might serve as epigraph to Hemingway's posthumous memoirs: "What I mean is this: that one can, with no romanticism, feel nostalgic for lost poverty." It is the city of Paris, in memory and effect, that is the moveable feast; to it, Hemingway sat again in these recollections, written between 1958 and 1960, of his Paris life in the early 20's. This book, highly affecting and biographically invaluable, is an anomalous performance in literature. An author, who slipped in critical esteem during the second half of his writing life, reminds us after his death of his earlier claims to greatness.

A Moveable Feast
by Ernest Hemingway
(Scribner's; $4.95)

"What a book," Gertrude Stein and Sherwood Anderson once agreed, "would be the real story of Hemingway, not those he writes but the confessions of the real Ernest Hemingway. It would be for another audience than the audience Hemingway has now but it would be very wonderful." By and large he now has a different audience from the one he had when that comment was made. This book is probably not the confession that Miss Stein and Anderson envisioned – it is only a collection of sketches – but their intuition was sound. The Hemingway who went back to himself found much of himself and made this book about his youth the best work of his later years.

There are 20 sections, most of them self-contained but each one a glimpse that adds to a prospect. One cannot learn from this book all of Hemingway's life in the period; it is not a chronicle. But these sketches give us, for the first time, an intimate view of him as he evolved his art, of his first marriage, of others around him. He provides (deliberately posthumously, one can assume) insight and information that, for all the publicity and public *persona*, he never afforded during his life.

To get the worst out of the way at once, the conversations between him and his wife – quoted after 35 years – will simply strengthen the hands of the satirists. If he and she really talked like that, then one wonders what the struggle was – noted elsewhere in the book – to work out his style. He needed only to set down his domestic chat, which was the Hemingway style already overripened.

> " 'Let's walk down the rue de Seine [she says] and look in all the galleries and in the windows of the shops.'
>
> 'Sure. We can walk anywhere and we can stop at some new café where we don't know anyone and nobody knows us and have a drink.'
>
> 'We can have two drinks.'
>
> 'Then we can eat somewhere.'
>
> 'No. Don't forget we have to pay the library.'
>
> 'We'll come home and eat here and we'll have a lovely meal and drink Beaune from the co-operative you can see right out of the window there with the price of the Beaune on the window. And afterwards we'll read and then go to bed and make love'."

If it were a novel, it would cry for a touch or two of E. B. White. In autobiography, it paralyzes even parody.

All the dialogue between the pair is in that vein. Eventually we get a clue as to why he has been sentimentalizing his marriage into the worst kind of "brave and true" Hemingwayesque idyll. At the end of the book his marriage is breaking up and he is already sorry, but seems powerless to prevent it. ("When I saw my wife standing by the tracks as the train came in by the piled logs at the station, I wished I had died before I ever loved anyone but her.") His sugary treatment may be an attempt to ease his conscience and pay a deferred debt.

Little of the rest of the book is less than best Hemingway. There is some of his usual reverse-provincialism: all Frenchmen, particularly those wounded in the war, are wonderful. There is the wine and food and "private" café and quaint-character snobbism that later wrecked so many imitators. (Hemingway spent little of his adult life in America. Our Man in the Picturesque Old World became his principal role.) There is also his private caste system, with him and his wife at the top. He attempts to laugh at it, saying that in their poverty they looked down on the rich; but the dominant tone here, as in his whole life, is a belief in an aristocracy of the chivalrous, aswirl in a sea of cowards and cheapjacks.

But after these lesser streaks in the book, we are left with a small diamond mine. The most easily describable treasures are the portraits of friends, acquaintances, enemies. Some are passé figures, interesting now only because they interested him then: Ernest Walsh, the poet who was "marked for death" and made quite a good thing out of it; Evan Shipman, an American bohemian whom Hemingway liked and who said, "We need more true mystery in our lives, Hem. The completely unambitious writer and the really good unpublished poem are the things we lack most at this time. There is, of course, the problem of sustenance."

Better-known figures are sketched: Ford Madox Ford "breathing heavily through a heavy, stained mustache and holding himself as upright as an ambulatory, well clothed, up-ended hogshead"; Wyndham Lewis ("Some people show evil as a great race horse shows breeding . . . Lewis did not show evil; he just looked nasty"). Pre-eminently, of course, there is the great

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trinity of this period in his life: Stein, Pound, Fitzgerald.

The story of Gertrude Stein's influence on Hemingway is familiar, but here it is seen with a special gratitude, appraisal, and egotism. Hemingway knows what she did for him, but he also wants to make clear that he performed several services for her, particularly in helping to prepare and publish *The Making of Americans.*

He never refers to Alice Toklas by name, only as "her companion" – possibly as retaliation for the comments in the *Autobiography.* Throughout the book there are anecdotes that seem almost accidentally permissive, like cracks in the façade of literary history. One of these is his account of why he ceased to be a good friend of Miss Stein's. He inadvertently overheard a conversation between her and, presumably, Miss Toklas. He and Miss Stein had evidently felt no qualms about discussing homosexuality; he quotes her comparison of the male and female sorts. But he overheard her pleading with her friend in such an abject and painful way that he could never look at her again without remembering it, and it changed the entire color of his relationship with her. Obviously he never told her about it.

"Ezra Pound was always a good friend and he was always doing things for people." Hemingway does not here explore the poet's subsequent behavior and fate, but he is unafraid to assert what is no secret: that, in addition to his own achievements, Pound was an extraordinary friend of writers he admired. The extent of Pound's editorial advice on *The Waste Land,* for instance, is generally known; less known is the fact that he started a fund in Paris to free Eliot of his duties in a London bank, an effort happily made superfluous by an award and a subsidy that soon came Eliot's way. Hemingway published *Homage to Ezra* in *This Quarter* in 1925. His own political feelings were subsequently well manifested, but his loyalty to Pound – on the Forsterian plane, above politics and patriotism – remained constant.

Among these portraits and reminiscences, certainly the most fascinating are those of Fitzgerald, the golden unfortunate, the prince of pathos, who seemed in his very lifetime to be consciously discharging his role as a man with an unfulfilled life. Because his name and Hemingway's have so long been linked in comparison and contrast, it is now forgotten that, when they first met, Fitzgerald was successful, Hemingway quite poor and (as fiction writer) known only to a few readers of small magazines. In 1924, the year before their meeting, Fitzgerald had already written to Maxwell Perkins drawing attention to Hemingway's stories. When Fitzgerald looked him up in Paris, there were polarities of resistance-attraction on Hemingway's part to this "older and successful" writer. (Thus Hemingway in 1960. Fitzgerald was all of three years older.)

Because of these polarities, Hemingway saw Fitzgerald steadily and saw him less than whole. But it is notable that the only chapter in this book with an epigraph is the first one on Fitzgerald, in which Hemingway makes a comparison with a butterfly, a statement whose sentimentality diminishes on re-reading. (Curiously, Andrew Turnbull, in a biography of Fitzgerald published after Hemingway's death, uses the same figure in a different way, saying that a comparison between the two men at that time "would be like comparing a butterfly and a bull.") His physical descriptions of Fitzgerald are the most vivid I have ever read.

He knew none of Fitzgerald's serious work when they met, but was aware of the "older" man's success and was perhaps flattered by his attention. He accepted Fitzgerald's invitation to go by train with him to Lyon to pick up a car the Fitzgeralds had left there, then drive back to Paris. The story of the trip (among other things, there was no top on the car because Zelda hated tops, so the two men had to stop every time it rained) is possibly the funniest story about two famous writers since Tolstoy fell asleep while Turgenev read *Fathers and Sons* to him. What with Fitzgerald's sudden, stark drunkenness, his hypochondria and dramatics, Hemingway was well weary of him by the time they reached Paris. Then Fitzgerald gave him a copy of *The Great Gatsby,* which had just been published.

> "When I had finished the book I knew that no matter what Scott did, nor how he behaved, I must know it was like a sickness and be of any help I could to him and try to be a good friend. . . . If he could write a book as fine as *The Great Gatsby* I was sure he could write an even better one. I did not know Zelda yet, and so I did not know the terrible odds that were against him."

He soon got to know Zelda, and soon thought her insane. His view of her is the key to his view of Fitzgerald. His portrait of Fitzgerald emphasizes three

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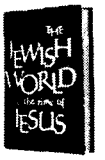

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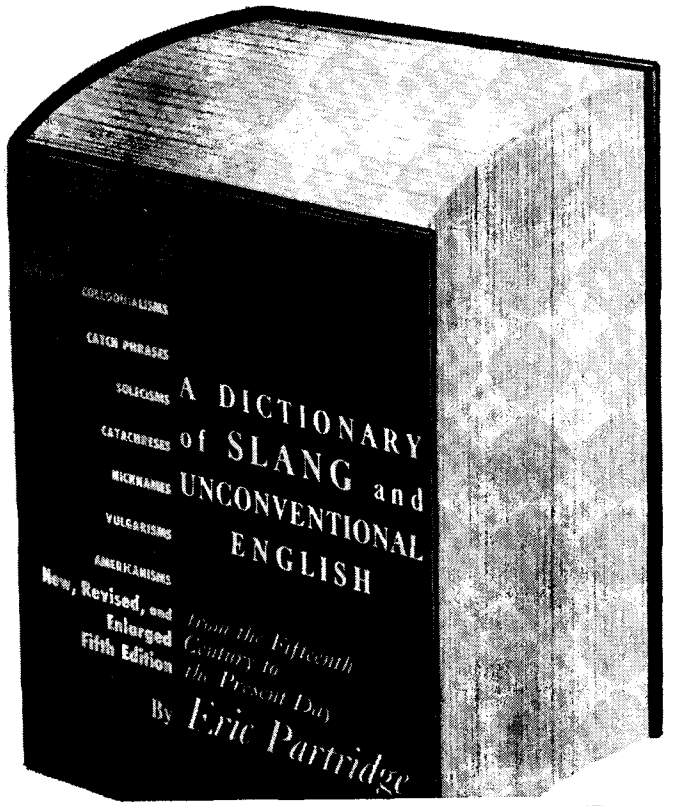

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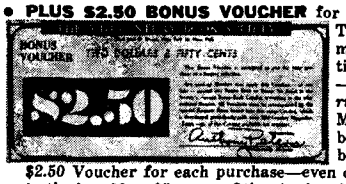

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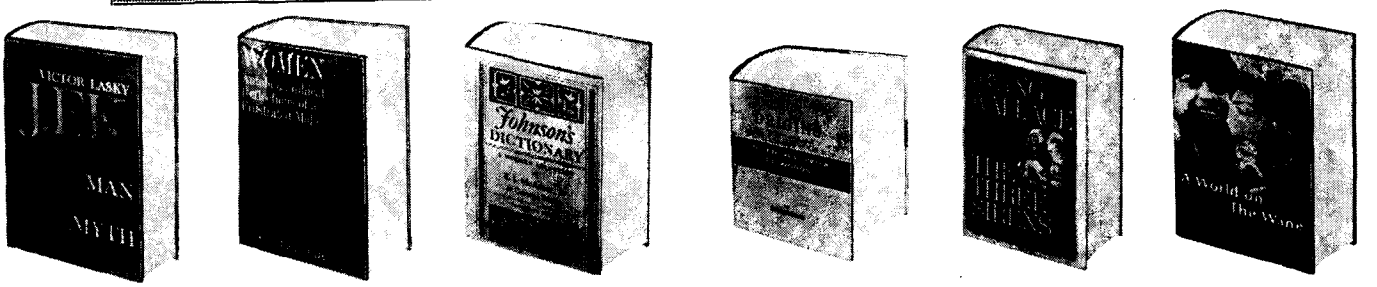

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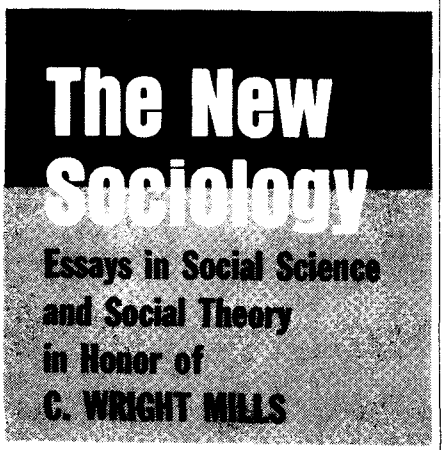

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elements: the drinking, the relation with Zelda, the sexual beliefs and status. As for the first, he makes clear that Fitzgerald was not, in the usual sense, a really heavy drinker but did not need to be. A relatively small amount not only made him drunk and irresponsible, it acted like a terrible poison on him, transforming his face into a death mask, making him sweat, grow rigid and strange. Eight years later Fitzgerald wrote to Perkins that he had gone on the wagon, "but don't tell Ernest because he has long convinced himself that I am an incurable alcoholic, due to the fact that we almost always meet on parties. I am *his* alcoholic just like Ring [Lardner] is mine and do not want to disillusion him. . . ." The illusion of course was Fitzgerald's, because the parallel with Lardner was unfortunately apt. Still, there seemed at times to be some conviviality in Lardner's drinking; Fitzgerald's usually seemed like the sickness of a little boy who has been dared to overeat, is miserable, but will take the dare again tomorrow.

The dare came from Zelda, in Hemingway's opinion; she was jealous of her husband's writing and did what she could to interfere. When he seemed to be settling down to work, she either started a flirtation with another man to distract him or else taunted him into partying with her. Saner women than Zelda have loved their husbands at the same time that they wanted to compete with them, or were furious at being unable to compete and used the husband's love against him.

And Zelda was also responsible, says Hemingway, for a fear of physical incompetence on Fitzgerald's part. In sexual matters he was obviously a Victorian – in naïveté and prudishness – transported into the Jazz Age. The first question he asked Hemingway after he knew him well enough to call him Ernest was whether he had slept with his wife before marriage. It was a patent effort to compare notes: which failed. One day Fitzgerald confided to him at lunch that Zelda had told him he was too small. Hemingway was direct enough; he asked Fitzgerald to accompany him to *le water*. (The vision of these two Olympians engaged in measurement in the men's room must have given the Muses a bit of a turn.) When they returned to their table Hemingway tried to assure him that everything was all right, that Zelda wanted to destroy him, and he added some technical advice. "But," says Hemingway, "he was still doubtful."

The story is irresistibly amusing and in fact has a distinct serious value towards illuminating a certain mistiness, substitution, evasion about sexual matters in Fitzgerald's writing. The first really sexual scene in his work is in his last, unfinished novel. Yet Hemingway's retailing of this story has an inescapable tinge of smoking-room masculine superiority. Despite his declaration quoted above, he had and always retained an edge of dislike for Fitzgerald. In later Paris years he did not even want the other man to know his address (says Morley Callaghan) for fear he would come barging in at any hour; but it was probably more than a wish for privacy. One may conjecture that this dislike was compounded of reaction to Fitzgerald's somewhat pretty good looks, Fitzgerald's liking for the tinselly life that he himself despised, Fitzgerald's willingness to compromise his writing for money which Hemingway, once he was on his own, never did. His own latter-day works were inferior, not compromised. There may also have been some residual resentment because the "older" man had been successful first, had helped him to Scribner's – a favor hard to forget and therefore hard to forgive. In any event, in 1936, when Fitzgerald was small threat to him, he took the notorious crack at him in *The Snows of Kilimanjaro*.

There was unquestionably a mean streak in Hemingway. He admits to a very bad, quick temper "in those days"; it persisted. His mockery of Gertrude Stein in *Green Hills of Africa* and *For Whom the Bell Tolls* can conceivably be justified as revenge for the remarks about him in the *Autobiography of Alice B. Toklas*, particularly the use of the one word that could never be forgivable to him: yellow. But, similar to his rough treatment of his benefactor Sherwood Anderson in the short-novel parody *The Torrents of Spring*, his blow at the drunken, sick, bankrupt, discouraged Fitzgerald can only be explained as deeply impelled abscission from those to whom he was indebted –

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like Thomas Wolfe's (more gentle) abandonment of Maxwell Perkins.

Above all the engrossing biographical details, items of portraiture and revealing anecdotes in the book, there tower two elements. The first of these, despite the marital chat quoted earlier, is the sad, lovely, moving warmth with which it is written. The second is his account (in some measure) of how he acquired the abilities with which to write it.

"When spring came, even the false spring, there were no problems except where to be happiest." Youth, strength, joy of love, pride of poverty, delight in the city where he lived with his wife and child – all these fused into happiness, sheer happiness: rare in any good 20th Century author; rarer still in Hemingway. Memory may have gilded matters, but the facts as they were have less relevance than the memory.

But it is not gauzy Arcadian happiness; it is related closely to his work: to the sense that he was free of newspaper work and was settling firmly to his true vocation, that he had made the rock-deep right decision and was growing. To appreciate this fully, we must understand that he had been no mere cub reporter. He had been a responsible correspondent entrusted by a large newspaper and a syndicate with important assignments. For example, he covered the Genoa Economic Conference in April, 1922, the Greco-Turkish war later that year; he interviewed Clemenceau and Mussolini. (His comments on the latter, which he wrote when he was 23, were, as Charles Fenton points out, remarkably prescient.) He had given up a potentially big career, he had the responsibility of a wife and infant, and he had now cut himself loose even from occasional journalism. Influenced most immediately by Lardner and Anderson and Stein, and positively enjoined by the last to quit reporting, he had set out to find himself, and he knew, in his blood and bones, that he was succeeding.

In this book then we are in some degree present at one of the epochal moments in 20th Century literature: Hemingway's forging of his prose. What makes the joy in the book specially poignant is not only that we know now it was the high period of his life; the author himself, looking back after 35 years to the time when he was happiest, seems to know that he knew *then* that he would never be happier, stronger in his work, more imperial.

Speaking of why he did not include the old man's suicide, which is implied, in his story "Out of Season":

> "This was omitted on my new theory that you could omit anything if you knew what you omitted and the omitted part would strengthen the story and make people feel something more than they understood."

The evolution of understatement in his style – in his *concept* of art – connects with, among other matters, what he was learning from painters. (All his life painting was of prime importance to him.) "I was learning something from the painting of Cézanne that made writing simple true sentences far from enough to make the stories have the dimensions that I was trying to put in them."

His increasingly rigorous and effective reticence, his insistent lucidity, his rejection of the formalities and flourishes of pre-war literature with an accompanying implicit rejection of pre-war social falsities and pomposities – these touched quick nerves in his contemporaries around the world. Before he was thirty he was an immense literary power, one of the two or three most influential living writers of English. Faulkner took longer to become an influence. Joyce's influence, though more profound, was not so wide. For instance, Hemingway was the obvious stylistic father of Dashiell Hammett, as Hammett was of Chandler and of much lesser writers in the *genre*. Hemingway also had a strong influence outside of literature. It is impossible to conceive of Humphrey Bogart's film image without benefit of Hammett and Chandler and also without the direct influence of Hemingway abroad. As recent a film as *The Hustler* is virtually unimaginable – not only in story but in cinematic method – without the prior existence of Hemingway. I do not cite these examples as major art but only as evidence of his staggeringly large pervasive influence.

To younger readers, those who came to Hemingway after World War II, he

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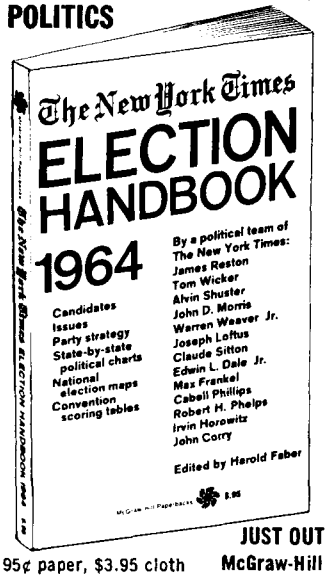

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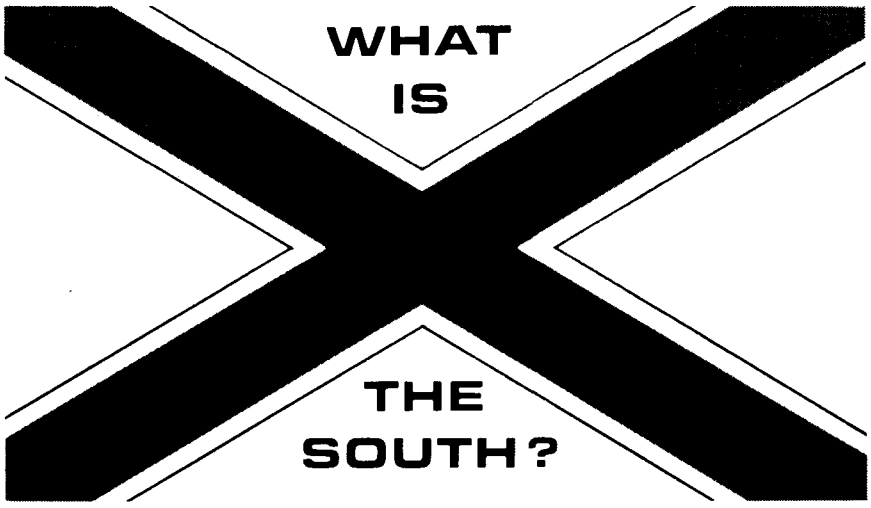

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could not possibly look the same as to previous generations because the later group saw him in a different context. (The different audience that Gertrude Stein said he needed?) Those who began to read him in the mid-20's, or soon after, experienced a small epiphany, saw a powerful and incredibly timely writer appear, almost as a savior bringing curt truth to a windy and shaken society. Change ensued. The first newly published book of Hemingway's that I read was *Death in the Afternoon* (1932), and I can remember the quiet shock it caused among my friends, a shock allayed by *Winner Take Nothing*, then amplified by *Green Hills of Africa*. By the time we all reached *For Whom the Bell Tolls*, Hemingway was just another writer, in the sense that he now wrote good books and bad books, or books with good and bad components in them. Even when he was better than good, he was not a god any more. The savior was gone, replaced by Papa who, it seemed, could not function – as a novelist, at least – without a war to stimulate him. Of his two novels unconnected with war, *To Have and Have Not* prepared us long ago for the vacuities of *The Old Man and the Sea*. *Across the River and Into the Trees* is almost an allegory of the author longing for past wars. His short stories, which contain his finest work, are much less dependent on war; but they dwindled away in the late 30's, and he published no story of consequence after 1940.

Younger readers missed this transition of attitude towards Hemingway. For them he was, from the start, a mixed blessing. To them especially, then, this latest book may be a happy surprise. It is like getting a clear view back through the thick forest of his own self-imitation and the imitations of others, of the big-game gamesmanship and the worship of the bull. And he achieved it thirty-five years later, even at the same time (according to a prefatory note) that he was writing the stale, tired *Dangerous Summer* for *Life*. It is rumored that there will be more posthumous books, probably fiction. Whatever their quality, it is unlikely that they will strike more touchingly this strong note of rejuvenation.

Rejuvenation from what? The quintessence of Hemingway is that he wrote realistically, even naturalistically, about romantic situations and characters. Jake Barnes, the mutilated hero of *The Sun Also Rises*, is in effect Cyrano de Bergerac in the 20th Century. His physical affliction is one of removal instead of enlargement, but it serves the same purpose as Cyrano's nose: to make him a lover who cannot love, attendant all his life (we feel) on his lady's wishes. Lieutenant Henry and his nurse enact a delicate little love poem – with the pathetic, not tragic, end of death in childbirth – its delicacy heightened by being set in the midst of a war that is unsparingly perceived and is under-described with magnificent ruthlessness.

This basic romanticism was not a flaw in the young writer, as these two still-potent novels prove. The flaw was in concentrating on this essentially youthful outlook as he grew older, his insistence that true and interesting life meant risk of death, large physical gesture, gallantry, and the rest of the doctrine of action as saving grace in a world grown morally as well as literally sedentary. This view clogged his development; and as, in the last twenty years, he struggled to write or did not write, he seemed to acquire an almost savage aloofness, combined with a capitalization of that aloofness, that aggravated this lack of growth. Edmund Wilson reminds us that "it is a mistake to accuse [Hemingway] of an indifference to society. His whole work is a criticism of society." But it is significant that of the many gifted Americans who went to Paris in the twenties because they felt that only there could they become writers, Hemingway alone never really returned to America (notwithstanding his Key West residence for some of the thirties). To provide himself with a life that was more than that of a conventional expatriate, a floating observer, he plunged even more heavily into the synthetic life of strenuous sports – which also served him as little wars. After Paris, excepting the two real wars, he lived in abstraction: in the formal rules of deep-sea fishing, rhino hunting, bullfighting, anywhere except where life as men were actually living it could touch and possibly enlarge him. Certainly he had little part

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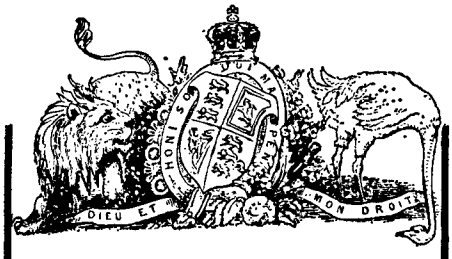

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in contemporary American life.

His style, which he had simplified to deal simply with genuinely great events, became pseudo-simple and self-conscious when, in later years, he dealt with lesser events on which he tried to enforce great stature. After *For Whom the Bell Tolls* his writing continued to have a quality about it of translation, as from Spanish, possibly in the hope that formality would lend quality. The old fisherman had to be Cuban, of course, to talk about the Tigers of Detroit and to call the fish "thou"; an old American fisherman would have destroyed the pentateuchal grandiosity. Hemingway was always trying to make everything return to the time when he was young and strong as a writer, when his experience was fitted to his style.

In this book he accomplishes the return. Dealing with the high days (for him) when it was created, the simple style, for the most part, seems at home again: is relatively free of sludge, runs clean and clear and refreshing.

His career, at its height, was very short – less than 15 years. By taking us back to its birth, this book helps to explain its sudden and enormous impact, and raises again, after a considerable silence on the matter, the question of his greatness. A novelist once said to me: "We all know what it takes to be a great writer, even if you have the talent. You have to give your life." Hemingway gave his life; then, by circumscribing his growth, he took it back again. This book suggests that he came to realize it and that, at the last, he wanted to say so.

The Mentally Disabled: Stepchildren of the Law

by J. Skelly Wright

Muckraking in the 1960's is not confined to politics or football coaching. In his new book, Dr. Thomas S. Szasz has taken out after the twin disciplines of law and psychiatry – charging lawyers with illegality and psychiatrists with inhumanity in their dealings with persons said to be mentally ill.

The "said to be mentally ill" is used advisedly, because Dr. Szasz alleges that, in some cases at least, so-called mental hospitals have become dumping grounds for over-age relatives, harmless screwballs, and other odd characters whose only illness is that they are in someone's way. Moreover, the good doctor charges that such persons are being committed to these ill-disguised prisons against their will without benefit of a lawyer, a trial, or even a court order. It seems, according to the doctor, that in some states all that is needed for involuntary commitment is a distraught relative and a willing psychiatrist.

Law, Liberty and Psychiatry
by Thomas S. Szasz
(Macmillan; $7.50)

In one chapter, Dr. Szasz, with a legal competence that would delight the heart of any respectable teacher of first-year constitutional law, shows how the treatment of the alleged mentally ill often violates practically every provision of our Bill of Rights – in fact, not only the first eight amendments to the Constitution, but the 13th, 14th and 15th as well. And the shocking thing about it all is that some of what Dr. Szasz says is true.

But unfortunately, the author provides no useful answers to the problems he raises. His primary competence seems to be in fault finding. The problem of what to do with the mentally ill is as old as man. And no acceptable solution has yet been advanced. In recent years attention at least has been focused on the problem. Efforts have been made to provide decent institutional accommodation and care for the afflicted. Certainly progress has been made in their treatment. Helpful drugs have been found. New therapeutic procedures have been developed. And more important than all these, people generally are showing a genuine human concern for the mentally ill.

Dr. Szasz, however, will have no part of this. According to him, the genuine human concern for our sick brethren is only making them sicker. He would have them continue to walk the streets, as they have for centuries, until in their degradation they commit some crime which will safely place them behind bars for years to come. And to make certain they get behind bars, Dr. Szasz would abolish the insanity defense. He would brand as criminals the mentally ill who commit antisocial acts and let them get any medical attention they may require from the infirmaries in our penal institutions.

Yet Dr. Szasz, throughout his book, boasts again and again about his libertarianism. In fact, he argues that making criminals out of the mentally ill and placing them in penitentiaries instead of hospitals is in that great tradition. At least, he suggests, the prisoner knows the length of his sentence, whereas the mentally ill in the hospital may be forgotten and left to die. What Dr. Szasz apparently does not know is that in most jurisdictions legal provision is made for periodic review of committed cases by independent experts, followed by court hearing.

Actually, Dr. Szasz misapprehends the whole legal, social, and moral basis underlying the law's treatment of the mentally ill accused of crime. Before a person can be branded a criminal, two elements of his crime must be proved: (1) that he committed the antisocial act charged, and (2) that in so doing, he

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had a guilty mind – *mens rea* in the lawyer's lingo. Without a guilty mind, there can be no crime. Our idea of morality does not tolerate the concept of crime without personal guilt, and there can be no personal guilt where the act resulted from a diseased mind.

So the law resists the urge to disregard this fundamental principle. It would, of course, be less troublesome if we handled the mentally ill as Dr. Szasz suggests. But, inconvenient as it may be, our mores require a more humanitarian approach – an approach which not only protects society but preserves the dignity of human beings who "know not what they do."

The finding "not guilty by reason of insanity" means that the defendant committed the act, that he is therefore subject to custody and control, but he did not have a guilty mind and should not be branded a criminal. Thus the law has the jury, as the social consensus, sit in judgment on its fellow man. Our experience, to date at least, indicates there is no better way to determine a human being's responsibility for his antisocial act. Dr. Szasz would deny the jury the duty of making this judgment. Because it involves a difficult judgment, he would prefer to ignore the whole question of criminal responsibility.

It is true that the law's approach to the subject of criminal responsibility leaves much to be desired. But at least the law does not pretend to solve the problem by ignoring it. And some people in the law, like Chief Judge David L. Bazelon of the United States Court of Appeals for the District of Columbia Circuit, have made significant contributions toward a more mature understanding of, and approach to, criminal responsibility as it relates to the mentally ill.

Dr. Szasz is an enigma – at least his writings would so indicate. He professes to be a psychiatrist, indeed he is a teacher of psychiatry at the Syracuse University Medical School. Yet he seriously asserts that mental illness is a myth. In fact, he has written a book, published in 1961, with precisely that title. If mental illness is a myth, one wonders what Dr. Szasz is doing practicing psychiatry, to say nothing of teaching it. One wonders whether his book, *The Myth of Mental Illness*, is required reading for his students as well as his patients. It may be good therapy to convince a mentally ill person that mental illness is a myth, but it would seem a difficult thesis to sell to psychiatry students.

Dr. Szasz is on much firmer ground with respect to his allegations of grave injustice and deprivation of constitutional rights of mentally ill persons charged with crime. Under the law as it now exists, if a person charged with crime is "incompetent" to stand trial, unable, that is, to understand the proceedings against him and assist his counsel in his defense, that person is committed to an insane asylum until he is competent. The decision as to competence and commitment is, of course, made by a judge, but it is the practice of judges, in some jurisdictions at least, to rubberstamp the psychiatrist's opinion as to competency. Thus a person charged with a minor crime is often denied bail, in effect by a psychiatrist, and committed without trial for an indefinite period – life in those cases where the accused does not regain his "competence" – in the criminally insane section of those prisons euphemistically called mental hospitals. And Dr. Szasz has some choice observations on the "treatment" available in these institutions to assist the inmates in regaining "competence."

If a person is competent to stand trial, under the law he may nevertheless have been "insane" at the time he is alleged to have committed the crime. The legal tests for competency to stand trial and for criminal responsibility are not the same. Moreover, the mental condition of an accused may vary from the time of the offense to the time of trial. While there seems to be general agreement on the formulation, if not the application, of the competency test, the proper test for criminal responsibility has bugged lawyers, judges, theologians – even psychiatrists – from the beginning of criminal law.

After passing through a succession of insanity test periods, including one which required "the exercising of the demons," the English common law in 1843 settled on the *McNaghten* rule, sometimes called the "difference between right and wrong" test. The precise formulation of the rule is:

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"... [whether] at the time of committing the act, the party accused was laboring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing; or if he did know it, that he did not know he was doing what was wrong."

The *McNaghten* rule, with slight variations, is still in effect in England and most jurisdictions in this country, in spite of the fact that it is concededly archaic, legalistic, and unresponsive to the last 150 years of learning in the field of mental health.

As almost everyone knows, the *Durham* rule, first announced in 1954 by the United States Court of Appeals for the District of Columbia Circuit, is an attempt to bring some reality to the consideration of criminal responsibility. Under the *Durham* rule the jury is simply asked to determine whether the alleged offense was the product of mental disease or mental defect. While *Durham* has not gained adherents in other jurisdictions, it has attracted attention – it has demonstrated the need for a new approach to the problem of criminal responsibility. Many other jurisdictions, instead of simply adopting *Durham* with its interpretive jurisprudence now amounting to over 100 cases, are still stumbling around on their own, tinkering with words in their efforts to find a test which will relax the rigor of *McNaghten*.

The general reaction to *Durham*, while favorable among persons knowledgeable on the subject of mental health, can only be described as hysterical. Visions of lunatics prowling the streets preying on the citizenry caused Congress to spring into action and pass legislation which requires the automatic commitment to St. Elizabeths of anyone found not guilty by reason of insanity – there to remain until he "regains his sanity." Since no one, including psychiatrists, can say when or whether "sanity" is lost or gained, a mentally ill person charged with a minor offense, punishable at most by a few weeks or months of imprisonment, may very well wait many times that long at St. Elizabeths for his sanity to return.

Predictably, since the passage of the automatic commitment legislation, the insanity defense is not often raised with respect to minor offenses – raised, that is, by the defendant. On occasion, however, the Government has felt constrained to raise it. A case in point is *Lynch* v. *Overholser*, 369 U.S. 705 (1962). There Lynch, a former lieutenant colonel in the Army from a respected Washington family, was charged with passing bad checks. In fact, Lynch's only crime was that he had a mental problem which manifested itself by overdrafts on his bank account. When his case was called for trial, he pleaded guilty. The Government, however, suggested to the court the presence of Lynch's mental problem. Whereupon the court refused to accept his plea of guilty and ordered him to trial.

There ensued in Lynch's case a spectacle unique in the annals of the criminal law – a criminal trial in which the defendant insisted he was guilty while the prosecution resolutely maintained, sought to prove, and succeeded in convincing the court, that he was indeed not guilty by reason of insanity. Lynch was then committed, for overdrawing his bank account, to the criminally insane section of St. Elizabeths until he "regained his sanity." After some intermediate appeals, the Supreme Court finally held that Lynch had been improperly committed to St. Elizabeths since the automatic commitment legislation can be applied only in cases where the defense of insanity is raised by the defendant.

The *Lynch* case is only one example of our inhumanity with respect to the mentally ill. Because civilization has failed to find an answer to the problem of what to do with the mentally ill, the law seems to have difficulty resisting the public clamor for protection against their antisocial acts. Our pious professions of equality, liberty, due process of law, fair trial and the like seem only for those who are well enough to protect themselves.

ART

Nature Revisited

According to reliable authority, there is more uncleared land in the state of Connecticut right now than there was in 1800. It isn't really uncleared, of course. It's more de-cleared. It's land that was cleared by the end of the 18th Century and put into fold, field and fallow, then, at some time since then, given up for farming purposes and allowed to grow into woods. The causes for this are reasonably well-known. Yankee industry began drawing people off farms and into towns early in the 19th Century. At the same time the complementary development of national-scale farming in the South and Midwest was taking place. The New England family farm disappeared forever as an item of significance beyond its symbolic use by lobbyists for the agricultural industry. By our time, the industrial and transportation centers of the Northeast coast have fused into Megalopolis and we all know what this is supposed to mean, most of the world gone concrete and tinted glass, the rest of it chopped up into quarter-acre lots by wiseacre housing speculators.

Paintings, Drawings and Prints
by Gabor Peterdi
Lincoln, Mass.: through May 31.
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The fact is, however, that the strip of Megalopolis is much more a strip than we realize most of the time. According to our conceptions, the state of Connecticut, located between two of the main Megalopolitan centers and itself containing four or five second grade ones, ought to be lost completely in the urban spread. It isn't. There are the woods, far ahead of where they were in 1800. The Merritt Parkway, one of the earliest perceptible binders in the strip, is widely admired by motorists because its landscaping is thought to

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keep at bay the ever-threatening encroachment of neon and billboards. For most of its run, however, what the landscaping really keeps at bay is the woods. The thoroughly kempt grass, shrubs and trees are not a simulacrum of nature preserved for the delight of the over-civilized eye; they are the gift of civilization to nature, a vision of order laid out through the returning forest.

The fact that the forest has returned and not simply survived in Connecticut gives the state's woods certain peculiarities: young growth as opposed to old growth, impressing the eye and the walking body not at all as Longfellow's forest primeval, ancient, quiet, implacable, but as youthful thrust of spring-strength. Walking in such woods you occasionally stumble over stone or brick foundations of long-abandoned farmsteads; you always find lines of granite rocks piled up as field borders when there were fields; now young trees, thirty to fifty years old or so, shoot up through the hearth area and on both sides of stone walls. Follow a stream bed and, with luck, you can find the remains of old dams and millsites hidden in the underbrush. The conclusion you are led to is the reverse of the 19th Century romantic-nature view, which held, among other things, that man, the infant, the newcomer, was but a passing phenomenon against the eternal life of the forest. Now, stumbling over hearthstones buried in leaves and bushes, the walker has it borne in upon him that his own citizenship is with the older race; the forest becomes a late encroachment.

Appropriately enough, the Connecticut new forest and its adjoining Megalopolitan strip is inhabited and celebrated by a trio of artists exhibiting very similar characteristics. Like practically everyone in De Vriesian Connecticut – including De Vries – the three came from somewhere else: Antonio Frasconi from South America, Jimmy Ernst from Germany and Gabor Peterdi from Hungary. All are nature artists, but the nature art they practice is new, like the new forest of Connecticut. With all three the stress is more on the processes of nature than on the surface look, but the art involved is far from a scientific exposition of such processes. Rather the effect upon the observer is to call to his mind the processes of growth in nature as opposed to the look. Yet look is by no means absent. Most obviously present in the color woodcuts of Frasconi, it seems most removed in the paintings of Ernst until you have the illuminating experience of seeing his complex abstractions fairly close in time to seeing the Connecticut woods just about now, with files and ranks of slim beeches taking silver light, with branches gathering in faint splashes of color, now red, now yellow, now green, as buds push slowly forth.

Peterdi at first glance occupies a place between the other two. A good place to get a first glance is the De Cordova and Dana Museum, Lincoln, Mass., where the first museum exhibition of his paintings, assembled by Hermann Warner Williams, Jr., has just opened. Like several of this country's outstanding printmakers, Peterdi has been a painter for years with nothing remotely resembling the recognition accorded him in prints. The paintings, as this show now reveals, are of an excellence fully equal to that of the prints, but it is certainly true that his career as a technical groundbreaker has been in prints, not paintings. He has mixed media as no one did before him and at the same time he has achieved total mastery of the classical methods until the sheer technical perfection of his etched or engraved line is unsurpassed. His reputation as a master print technician is only strengthened by his book, "Printmaking," the most comprehensive and instructive work in the field.

Yet Peterdi is much more than a master technician. His art operates precisely through his technical mastery, a somewhat anachronistic relationship

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but one both valid and vital for all that. A year or so ago Peterdi exhibited a large horizontal intaglio print called "Resurrection." A human skeleton lay all but lost in tendrils of grass curling up, through and around the bones: the theme of the Connecticut forest, you might say. Yet that ancient motive got its life not from the idea but from the cut quality of the lines in which it was set forth. The insistent life of the grasses was expressed not in the thought but in the insistence of the intaglio lines themselves, which never ceased to be themselves even while also being grass and also being the conquest of nature over man or the reabsorption of man into nature.

Many of the paintings in the show at Lincoln portray the same scene with the skeleton removed and its place taken in the first instance by the painter and in the second by the viewer.

Peterdi can make a painting that seems at first sight a perfect flurry of paint-strokes. They might have been put on at the height of the 50's, the eye thinks and is wrong. There is no accident, no splash, no drip, no cracking in the surface. There is also no raucous, loud color. What's more, it gradually dawns on the eye that the abstract flurry is intimately controlled by an inner measure. The strokes are relatively small but their thickness varies rhythmically and so do their intervals. Slowly it becomes evident that these variations suggest something behind the flurry – the edge of a bank or of the horizon, seen only as light over dark through the translucence of the flurry. Hidden space is made visible behind the unyielding surface. A whole world is implied as the setting for this closely seen flurry which is also, for instance, the tangle of reeds or marsh grass. But it is not only the visual equivalent of a visual datum; it is also the energy, the upthrust into light of such things, the drive of nature that puts new trees where old houses used to be.

Changes in the colors, in the thicknesses, in the intervals, make changes in the suggested piece of nature held back from the constant flux for examination. We see trees, close-to, bursting into blossom or leaf; We see the desert waste, the blizzard, the storm at sea. Nothing is alien to the energy here released, here controlled. The process is one of secretion, the result a pure burst of force, like those trees.

FRANK GETLEIN

It was recently stated here that the exhibition of Winston Churchill paintings a few years ago was shown at the National Gallery of Art. It was not. The Gallery trustees ignored suggestions by highly placed persons and the show played the parent Smithsonian. F.G.

Notes on Contributors

Stanley Kauffmann, *a contributing editor of this journal, has recently received a travel grant from the Ford Foundation.* J. Skelly Wright *is a Judge of the US Court of Appeals for the District of Columbia Circuit.*

Correspondence

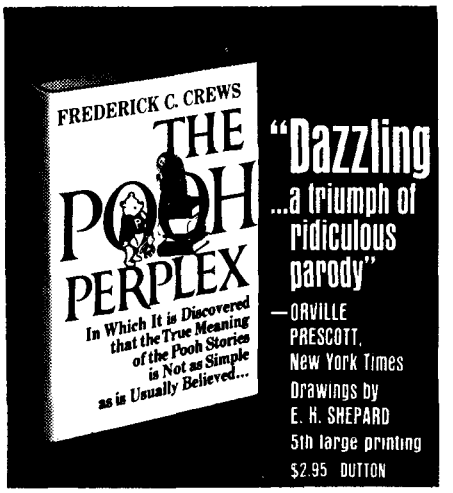
Segregating the Gifted

Sirs:

This is one of the very few letters to the editor that I have ever written. What moved me to do so is both the fact that you (in "Segregating the Gifted," by Christopher Jencks, April 25) took my article in *The Saturday Evening Post* seriously enough to react to it and were not misled by its title, because nothing was further from my mind than to suggest that our gifted children are pampered. On the contrary, the gist of my argument was that the present arrangement is as unfair to the gifted as it is to the average children.

You are absolutely right that the crucial issue is whether we view education as a competitive or a cooperative venture. It is exactly the keen competitiveness of so much in our educational system against which I object as being bad for all children, the gifted and the not so gifted. I agree with you that today competition is one of the dominant motivating forces in most schools; but against this I object.

I received a large number of communications in response to my article.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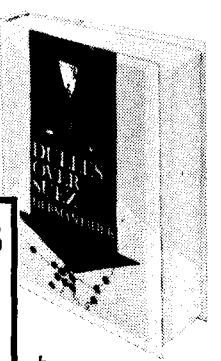

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Professional educators in their majority agreed, though some strangly disagreed. Parents, particularly parents of gifted children were in the majority opposed. This was according to expectation. But what astonished me was the large number of letters I received from gifted children still in high school; and that they were without exception in favor; which might give my critics pause to think. I thought you might be interested in reading what one of these gifted children had to say . . . :

"Since I am a student in the so-called advanced or accelerated group I was interested in your comments on the pampering of gifted children in the *Post*. To begin, you state that 'The schools have devised complicated new systems of education which segregate the more able students and provide them with intensive instruction.' I am now in my senior year in this group and am taking advanced Physics II, advanced Calculus, advanced Modern European History, German III and advanced English Composition. However, I often feel that I am segregated socially – I wonder just how valuable all this education is if I still haven't learned to get along with others. It is something which, as you say, 'harms both the advanced student and the not-so-advanced.' At the same time, however, I disagree with you that the gifted child often becomes bored in the regular classroom. I have often felt bored in these advanced courses – yet feel quite comfortable in my regular classes. This is not because I have extreme difficulty with these advanced subjects, it is simply because the people in the regulars are more 'regular'. It is these normal children who have acquired an appreciation of life and people – something which we have avoided in our mad rush toward intellectual 'stardom'. It is these normal children who are confident, successful, and have outlined their goals. They are the well-adjusted. As for me, I often have a feeling of sameness or of lowness. Packed in one class all day long with 'advanced people', many of whom are more intelligent than me, has given me an awkward sense of insecurity or averageness. In contrast with these brainy 'brats', I often think my own merits are just average."

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